

S. 782 - ERVIN BILL - ANALYSIS

Section 1. Applicable to all Government officers or any acting under their authority.

<u>Subsection</u>	<u>Basic Prohibitions</u>	<u>For</u>	<u>Modification</u>	<u>Section</u>
(a)	Questions on race	Employees and Applicants	None	
(a)	Questions on religion	Employees and Applicants	CIA polygraph or psychiatric test for information on religious beliefs or practices. DCI's or designee's personal finding in each case of national security	6
(a)	Questions on national origin - self or forebears	Employees and Applicants	If national origin pertains to suitability for assignment	1(a)-2nd proviso
			Citizenship if a statutory condition or if pertains to suitability for assignment	1(a)-1st & 2nd provisos
(b)	Notice of attendance at assemblage to indoctrinate employees	Employees	Not applicable if indoctrination pertains to performance or qualifying skills or attendance at professional associations	1(b) 1(b) proviso
(c)	To seek participation in any undertaking or activity	Employees	Unless related to duties or development of skills	1(c)

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Section 1 (continued)

<u>Subsection</u>	<u>Basic Prohibitions</u>	<u>For</u>	<u>Modification</u>	<u>Section</u>
(d)	Seek report on any activities	Employees	Unless related to performance, development of skills or reason to believe a conflict of interest	1(d)
(e)	Interrogation or psychiatric test to elicit: 1. Personal relationship with relative 2. Religious beliefs or practices 3. Sexual matters	Employees and Applicants	1. If physician deems information necessary to determine mental illness in individual case 2. Inform employees or applicants of charge of sexual misconduct 3. If DCI or designee determines information necessary in individual case to protect national security	1(e) proviso  6
(f)	Polygraph test for same information	Employees and Applicants	Same as 3 above	6
(g)	Seek support of nomination or election for any office or attend meetings for political support	Employees	None	

Section 1 (continued)

<u>Subsection</u>	<u>Basic Prohibitions</u>	<u>For</u>	<u>Modification</u>	<u>Section</u>
(h)	Coerce investment in U.S. securities or donations to any cause	Employees	Afford opportunity for voluntary investment or contribution	
(i)	Seek disclosure of personal assets source or liabilities self or family	Employees	1. Not applicable to any officer who can make final determination on any liability to or claim against U. S. 2. Reports necessary to determine liability for legal obligations	1(i)-1st proviso 1(i)-2nd proviso
		Employees and Applicants	3. Personal financial statement if DCI or designee determine necessary in individual case to protect national security	6
(j)	Seek disclosure of any items under proviso in (i) above other than specific items tending to indicate conflict of interest with official duties	Employees	Same as 3 above	

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Section 1 (continued)

<u>Subsection</u>	<u>Basic Prohibitions</u>	<u>For</u>	<u>Modification</u>	<u>Section</u>
(k)	Submission to interrogation which could lead to disciplinary action without presence of counsel or person of his choice	Employee under investigation for misconduct	Person of choice must be Agency employee or cleared counsel	1(k) proviso
(l)	To discipline in any way or threaten to for refusal or failure to comply with anything made unlawful herein or exercise of any right granted herein	Employees	Act not to affect DCI authority to terminate	

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Section 2 Applies only to officers of the U. S. Civil Service Commission

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Section 3 Applies to members of the Armed Forces who are forbidden to have civilian employees under their jurisdiction submit to any requirement made unlawful by Section 1.

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Section 4 If any officer violates or threatens to violate any of foregoing provisions, any employee or applicant aggrieved thereby may sue in Federal court to prevent violation or for redress without regard to exhausting administrative remedies.

Employee organizations can bring action on behalf of employee or intervene with written consent of aggrieved employee.

Section 7 However, CIA employees must first complain in writing to the Agency and wait 120 days before filing suit.

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Section 5 Board of Employees' Rights to receive written complaints of violations or threatened violations of Act. Employee organizations concerned with the category of employment involved may participate.

Section 7 CIA employees must complain in writing to the Agency and wait 120 days before complaining to Board.

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Section 10 Agency may establish grievance procedures to enforce Act

If employee obtains protection from such procedures it may be pleaded in bar to court or Board proceedings.

If employee elects remedy in court, he waives Board rights and vice versa.

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